

89th Congress }
1st Session }

COMMITTEE PRINT

RAMSEYER RULE PRINT
OF
FOREIGN SERVICE ACT AMENDMENTS OF 1965
(H.R. 6277)

(Including Changes Suggested by Executive Branch Shown
in Subcommittee Print of April 8, 1965)



MAY 18, 1965

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1965

MEMORANDUM

MAY 18, 1965.

To: Hon. Wayne L. Hays, chairman, Subcommittee on State Department Organization and Foreign Operations.
From: Albert C. F. Westphal, staff consultant.

For your convenience, the Office of the Legislative Counsel has prepared this Ramseyer rule print pertinent to the proposed amendments to the Foreign Service Act of 1946, as amended, including changes suggested by the Executive Branch shown in the Subcommittee Print of April 8, 1965.

III

RAMSEYER RULE PRINT OF FOREIGN SERVICE ACT AMENDMENTS OF 1965

CHANGES IN EXISTING LAW MADE BY THE SUBCOMMITTEE PRINT OF
APRIL 8, 1965

Changes in existing law made by the Subcommittee Print of April 8, 1965, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FOREIGN SERVICE ACT OF 1946, AS AMENDED

AN ACT To improve, strengthen, and expand the Foreign Service of the United States and to consolidate and revise the laws relating to its administration

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, OBJECTIVES, AND DEFINITIONS

PART A—SHORT TITLE

SEC. 101. Titles I to X, inclusive, of this Act may be cited as the "Foreign Service Act of 1946."

PART B—OBJECTIVES

SEC. 111. The Congress hereby declares that the objectives of this Act are to develop and strengthen the Foreign Service of the United States so as—

- (1) to enable the Foreign Service effectively to serve *at home and abroad* the interests of the United States;
- (2) to insure that the officers and employees of the Foreign Service are broadly representative of the American people and are aware of and fully informed in respect to current trends in American life;
- (3) to enable the Foreign Service adequately to fulfill the functions devolving on it by reason of the transfer to the Department of State of functions heretofore performed by other Government agencies;
- (4) to provide improvements in the recruitment and training of the personnel of the Foreign Service;
- (5) to provide that promotions leading to positions of authority and responsibility shall be on the basis of merit and to insure the selection on an impartial basis of outstanding persons for such positions;

(6) to provide for the temporary appointment or assignment to the Foreign Service of representative and outstanding citizens of the United States possessing special skills and abilities;

(7) to provide salaries, allowances, and benefits that will permit the Foreign Service to draw its personnel from all walks of American life and to appoint persons to the highest positions in the Service solely on the basis of their demonstrated ability;

(8) to provide a flexible and comprehensive framework for the direction of the Foreign Service in accordance with modern practices in public administration; and

(9) to codify into one Act all provisions of law relating to the administration of the Foreign Service.

PART C—DEFINITIONS

SEC. 121. When used in this Act, the term—

(1) "Service" means the Foreign Service of the United States;

(2) "Secretary" means the Secretary of State;

(3) "Department" means the Department of State;

(4) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States;

(5) "Government" means the Government of the United States of America;

(6) "Continental United States" means the States and the District of Columbia;

(7) "Abroad" means all areas not included in the continental United States as defined in paragraph (6) of this section;

(8) "Principal officer" means the officer in charge of an embassy, legation, or other diplomatic mission or of a consulate general, consulate, or vice consulate of the United States; and

(9) "Chief of mission" means a principal officer appointed by the President, by and with the advice and consent of the Senate, to be in charge of an embassy or legation or other diplomatic mission of the United States, or any person assigned under the terms of this Act to be minister resident, chargé d'affaires, commissioner, or diplomatic agent.

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TITLE IV—CATEGORIES AND SALARIES OF PERSONNEL

PART A—CATEGORIES OF PERSONNEL

SEC. 401. The personnel of the Service shall consist of the following categories of officers and employees:

(1) Chiefs of mission, who shall be appointed or assigned in accordance with the provisions of section 501;

(2) Foreign Service officers, who shall be appointed in accordance with section 511, including those serving as chiefs of mission;

[(3) Foreign Service Reserve officers, who shall be assigned to the Service on a temporary basis from Government agencies or appointed on a temporary basis from outside the Government in accordance with the provisions of section 522, in order to make available to the Service such specialized skills as may from time to time be required;]

(3) *Foreign Affairs officers, who shall be appointed under section 522(a); Foreign Service Reserve officers, who shall be appointed or assigned under section 522(b);*

(4) Foreign Service staff officers and employees, who shall be appointed in accordance with the provisions of section 531 and who shall include all personnel who are citizens of the United States, not comprehended under paragraphs (1), (2), (3), and (6) of this section, and who shall occupy positions with technical, administrative, fiscal, clerical, or custodial responsibilities;

(5) Alien clerks and employees, who shall be appointed in accordance with the provisions of section 541; and

(6) Consular agents, who shall be appointed in accordance with the provisions of section 551.

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PART B—SALARIES

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FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

SEC. 415. (a) There shall be ten classes of Foreign Service staff officers and employees, referred to hereafter as staff officers and employees. The per annum salaries of such staff officers and employees within each class shall be as follows:

Class 1.....	\$14,860	\$15,375	\$15,890	\$16,405	\$16,920	\$17,435	\$17,950	\$18,465	\$18,980	\$19,495
Class 2.....	12,075	12,495	12,915	13,335	13,755	14,175	14,595	15,015	15,435	15,855
Class 3.....	9,945	10,290	10,635	10,980	11,325	11,670	12,015	12,360	12,705	13,050
Class 4.....	8,295	8,580	8,865	9,150	9,435	9,720	10,005	10,290	10,575	10,860
Class 5.....	7,480	7,735	7,990	8,245	8,500	8,755	9,010	9,265	9,520	9,775
Class 6.....	6,755	6,980	7,205	7,430	7,655	7,880	8,105	8,330	8,555	8,780
Class 7.....	6,205	6,410	6,615	6,820	7,025	7,230	7,435	7,640	7,845	8,050
Class 8.....	5,490	5,675	5,860	6,045	6,230	6,415	6,600	6,785	6,970	7,155
Class 9.....	5,010	5,175	5,340	5,505	5,670	5,835	6,000	6,165	6,330	6,495
Class 10.....	4,480	4,630	4,780	4,930	5,080	5,230	5,380	5,530	5,680	5,830

(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, [for American employees recruited abroad who are not available or are not qualified for transfer to another post and who perform duties of a more routine nature than are generally performed at the class 10 level] and he may, as appropriate, establish rates for wage board positions.

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PART C—SALARIES OF OFFICERS TEMPORARILY IN CHARGE

AS CHARGÉS D'AFFAIRES AD INTERIM

SEC. 421. For such time as [any Foreign Service officer] any officer of the Service shall be authorized to act as chargé d'affaires ad interim at the post to which he is assigned, he shall receive, in addition to his basic salary [as Foreign Service officer] as an officer of the Service, compensation equal to that portion of the difference between such salary and the basic salary provided for the chief of mission as the Secretary may determine to be appropriate.

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PART E—CLASSIFICATION

CLASSIFICATION OF POSITIONS IN THE FOREIGN SERVICE AND IN THE DEPARTMENT

SEC. 441. [(a)] Under such regulations as he may prescribe, and in order to facilitate effective management, the Secretary shall classify all positions in the Service [at posts abroad], excluding positions to be occupied by chiefs of mission, and in the case of those occupied by Foreign Service officers, Reserve officers, and staff officers and employees, he shall establish such positions in relation to the classes established by sections 412, 414, and 415, respectively. Positions occupied by alien employees and consular agents, respectively, shall be allocated to such classes as the Secretary may establish by regulation.

[(b) Under such regulations as he may prescribe, the Secretary may, notwithstanding the provisions of the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), classify positions in or under the Department which he designates as Foreign Service Officer positions to be occupied by officers and employees of the Service, and establish such positions in relation to the classes established by sections 412, 414, and 415.]

SEC. 442. (Repealed by P.L. 86-723 (74 Stat. 847).)

SEC. 443. *The Secretary may establish rates of salary differential, not exceeding 15 per centum of basic salary, for officers or employees of the Service while they are performing duties abroad requiring frequent travel into hardship areas.*

COMPENSATION PLANS FOR ALIEN EMPLOYEES

SEC. 444. (a) The Secretary shall, in accordance with such regulations as he may prescribe, establish compensation plans for alien employees of the Service: *Provided*, That such compensation plans shall be based upon prevailing wage rates and compensation practices for corresponding types of positions in the locality, to the extent consistent with the public interest.

(b) For the purpose of performing functions abroad, other Government agencies are authorized to administer alien employee programs in accordance with the applicable provisions of this Act.

CLASSIFICATION OF CONSULAR AGENTS

SEC. 445. Upon the basis of the classification provided for in section 441, the Secretary shall, with the advice of the Board of the Foreign Service, from time to time prepare schedules of salaries for classes of positions of consular agents, which classes shall be established by regulation, and shall allocate all such positions to the appropriate classes.

EXEMPTION FROM THE APPLICATION OF THE CLASSIFICATION ACT

SEC. 446. Title II of the Act of November 26, 1940, entitled "An Act extending the classified executive Civil Service of the United States" (54 Stat. 1212; 5 U.S.C. 681), is hereby further amended by

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deleting paragraph (vii) of section 3(d) and by substituting in lieu of the present language of paragraph (vi) of section 3(d) the following language: "Offices or positions of officers and employees of the Foreign Service."

TITLE V—APPOINTMENTS AND ASSIGNMENTS

PART A—PRINCIPAL DIPLOMATIC REPRESENTATIVES

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PART B—FOREIGN SERVICE OFFICERS

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ADMISSION TO CLASS 7 OR 8

SEC. 516. (a) No person shall be eligible for appointment as a Foreign Service officer of class 8 unless he has passed such written, oral, physical, and other examinations as the Board of Examiners for the Foreign Service may prescribe to determine his fitness and aptitude for the work of the Service and has demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution. The Secretary shall furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8.

(b) The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8, whom he recommends for appointment directly to class 7 or 6 when in his opinion, their age, experience, or other qualifications make such an appointment appropriate.

ADMISSION TO CLASSES 1 TO 7, INCLUSIVE

SEC. 517. A person who has not been appointed as a Foreign Service officer in accordance with section 516 of this Act shall not be eligible for appointment as a Foreign Service officer of classes 1 to 7, inclusive, unless he has passed comprehensive mental and physical examinations prescribed by the Board of Examiners for the Foreign Service to determine his fitness and aptitude for the work of the Service; demonstrated his loyalty to the Government of the United States and his attachment to the principles of the Constitution; and rendered at least **[four]** *three* years of actual service prior to appointment in a position of responsibility in the service of a Government agency, or agencies, except that, if he has **[reached the age of thirty-one years, the requirement as to service may be reduced to three years]** *so served one year, he shall be eligible for appointment to class 6 or 7.* The Secretary shall furnish the President with names of those persons who shall have passed such examinations and are eligible for appointment as Foreign Service officers of classes 1 to 7, inclusive. The Secretary shall, taking into consideration the age, qualifications, and experience of each candidate for appointment, recommend the class to which he shall be appointed in accordance with the provisions of this section.

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PART C—FOREIGN SERVICE RESERVE OFFICERS

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APPOINTMENTS AND ASSIGNMENTS TO THE RESERVE

SEC. 522. Whenever the services of a person who is a citizen of the United States and who has been such for at least five years are required by the Service, the Secretary may—

[(1) appoint as a Reserve officer for nonconsecutive periods of not more than five years each, a person not in the employ of the Government whom the Board of the Foreign Service shall deem to have outstanding qualifications;

[(2) assign as a Reserve officer for nonconsecutive periods of not more than five years each a person regularly employed in any Government agency, subject, in the case of an employee of a Government agency other than the Department of State, to the consent of the head of the agency concerned; and

[(3) extend the appointment or assignment of any Reserve officer, or continue the services of any such Reserve officer by re-appointment without regard to the provisions of section 527 of this Act, for not more than five additional years if the Secretary deems it to be in the public interest to continue such officer in the Service, except that the assignment of any Reserve officer under paragraph (2) above may not be extended under the provisions of this paragraph without the consent of the head of the agency concerned.]

SEC. 522. (a) Under such regulations as the President may prescribe, persons who are citizens of the United States may, on the basis of merit and fitness, be appointed as Foreign Affairs officers without time limitation—

(1) to classes 1, 2 and 3 by the President, by and with the advice and consent of the Senate, or

(2) to classes 4, 5, 6, 7 and 8 by the President alone or by the Secretary when directed by the President.

The Secretary may establish appropriate probationary periods for such officers. Except as otherwise determined by the President, all provisions of this or any other law applicable to Foreign Service Reserve officers are hereby extended to and shall be applicable to Foreign Affairs officers.

(b) Persons who are citizens of the United States may, on the basis of merit and fitness, be appointed by the Secretary as Reserve officers for temporary or limited service, or for such other periods of service as he may deem necessary. The Secretary may, with the consent of the head of the Government agency concerned, assign as a Reserve officer for such periods as he may deem necessary a person regularly employed in any Government agency.

APPOINTMENT OR ASSIGNMENT TO A CLASS

SEC. 523. A Reserve officer, appointed or assigned to active duty, shall be appointed or assigned to a class and not to a particular post, and such an officer may be assigned to posts and may be transferred from one post to another by order of the Secretary as the interests of the Service may require. The class to which he shall be appointed or assigned shall depend on his age, qualifications, and experience.]

SEC. 523. The class to which an officer is appointed or assigned under section 522 shall depend on his age, qualifications, and experience. Any

such officer appointed or assigned for worldwide service may be transferred from one post to another as the interest of the Service may require.

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[REAPPOINTMENT OR REASSIGNMENT OF RESERVE OFFICERS]

[SEC. 527. A person who has served as a Reserve officer may not be reappointed or reassigned to active duty until the expiration of a period of time equal to his preceding tour of duty or until the expiration of a year, whichever is the shorter.**]**

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PART H—ASSIGNMENT OF FOREIGN SERVICE PERSONNEL

ASSIGNMENTS TO ANY GOVERNMENT AGENCY OR INTERNATIONAL ORGANIZATION

SEC. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body **[** such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years: *Provided*, That in individual cases when personally approved by the Secretary further extension may be made **]**.

(b) If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, *or if such officer is assigned to a position the salary of which is established under the Federal Executive Salary Schedule*, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of paragraph (a) of this section and such person shall not, by virtue of the acceptance of such an assignment, lose his status as a Foreign Service officer. **[**Service in such a position shall not, however, be subject to the limitations concerning the duration of an assignment contained in that paragraph.**]**

(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the basis of which computations and payments shall be made in accordance with the provisions of title VIII. No officer or employee of the Service who, subsequent to the date of enactment of the Foreign Service Act Amendments of 1960, is assigned to, or who, after June 30, 1961, occupies a position in the Department that is designated as a Foreign Service Officer position, shall be entitled to receive a salary differential under the provisions of this paragraph.

(d) The salary of an officer or employee assigned pursuant to the terms of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service. Such appropriations may be reimbursed, however, when the Secretary enters into reimbursement agreements for all or any part of the salaries of officers or employees assigned to such agencies and payment is received pursuant thereto, or when an officer or employee of the Service is assigned to a position the salary of which is payable from other funds available to the Department.

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ASSIGNMENT FOR CONSULTATION OR INSTRUCTION

[SEC. 573. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed to any Government agency for consultation or specific instruction either at the commencement, during the course of, or at the close of the period of his official service; and any such detail or assignment, if not more than four months in duration, shall not be considered as an assignment within the meaning of section 571.

[(b) Any officer or employee of the Service may be assigned or detailed for special instruction or training at or with public or private nonprofit institutions; trade, labor, agricultural, or scientific associations; or commercial firms.]

Sec. 573. The Secretary may assign or detail, for instruction, training, or orientation, any officer or employee of the Service to or in cooperation with educational or nonprofit institutions, or with trade, labor, commercial, or other organizations. Reimbursements or advances of funds may be made to applicable appropriations when received from any such institution or organization for all or any part of the salary and expenses of any officer or employee and his dependents during such assignment or detail. The Secretary may authorize such officer or employee to accept quarters, travel, and other expenses, incident to such instruction, training, or orientation, from the institution or organization.

TITLE VI—PERSONNEL ADMINISTRATION

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PART D—SEPARATION OF OFFICERS AND EMPLOYEES FROM THE SERVICE

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SELECTION-OUT

[SEC. 633. (a) The Secretary shall prescribe regulations concerning—

[(1) the maximum period during which any Foreign Service officer below the class of career minister shall be permitted to remain in class without promotion; and

[(2) the standard of performance which any such officer must maintain to remain in the Service.

[(b) Any Foreign Service officer below the class of career minister who does not receive a promotion to a higher class within the specified period or who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in accordance with the provisions of section 634.]

SEC. 633. The Secretary may by regulation prescribe (1) the manner in which the standard of performance required of officers or employees of the Service is determined, and (2) the maximum period during which officers or employees are permitted to remain in each class without promotion. Any officer or employee who fails to meet the required standard of performance or who is not promoted within the prescribed period may, without regard to section 637, be separated and receive benefits under section 634.

SELECTION-OUT BENEFITS

SEC. 634. (a) *Any Foreign Service officer in classes 1, 2, or 3 who is retired from the Service in accordance with the provisions of section 633 shall receive retirement benefits in accordance with the provisions of section 821. Any Foreign Service officer or Foreign Affairs officer in class 1, 2, or 3, or any staff officer in class 1, who is a participant in the Foreign Service Retirement and Disability System and who is separated under section 633 shall receive benefits under section 821.*

(b) Any Foreign Service officer or Foreign Affairs officer in classes 4, 5, 6, or 7, or any staff officer in class 2, 3, 4, 5, or 6, who is a participant in the System and who is retired from Service in accordance with the provisions of section 633 shall receive--

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, [from the Foreign Service Retirement and Disability Fund,] in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following: Provided, That in special cases, the Secretary may in his discretion accelerate or combine the installments; and

(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a), may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 821. [In the event that an officer who was separated from class 4 or 5 and who has elected to receive retirement benefits dies before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 832. In the event that an officer who was separated from class 6 or 7 and who has elected to receive retirement benefits dies before reaching the age of sixty, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), shall be paid in accordance with the provisions of section 841(b).] If such officer dies before reaching age sixty, his death shall be considered a death in service within the meaning of section 832.

[(c) Notwithstanding the provisions of section 3477 of the Revised Statutes as amended (31 U.S.C. 203) or the provisions of any other law, a Foreign Service officer who is retired in accordance with the provisions of section 633 shall have the right to assign to any person or

corporation the whole or any part of the benefits receivable by him pursuant to paragraph (b)(1) of this section. Any such assignment shall be on a form approved by the Secretary of the Treasury and a copy thereof shall be deposited with the Secretary of the Treasury by the officer executing the assignment.]

(c) *Any officer or employee who is not a participant in the System and who is separated under section 633 may be granted benefits under section 634(b)(1).*

FOREIGN SERVICE OFFICERS RETIRED FROM CLASS 7 OR 8

SEC. 635. Any Foreign Service officer in [class 7 who is appointed] class 6 or 7 who is appointed to such class under the provisions of section 516(b) and any Foreign Service officer in class 8 shall occupy probationary status. The Secretary may terminate his service at any time.

PART G—PROMOTION AND SEPARATION OF ALIEN CLERKS AND EMPLOYEES

PROMOTION

SEC. 661. Alien clerks and employees shall receive promotions from one class to a higher class and in-class promotions in accordance with regulations prescribed by the Secretary.

FOR UNSATISFACTORY PERFORMANCE OF DUTY

SEC. 662. The Secretary may, under such regulations as he may prescribe, separate from the Service any alien clerk or employee on account of the unsatisfactory performance of his duties.

SEPARATION FOR MISCONDUCT OR MALFEASANCE

SEC. 663. The Secretary shall separate from the Service any alien clerk or employee who shall be found guilty of misconduct or malfeasance.

SEC. 664. *The Secretary may, under such terms and conditions as he deems appropriate, compensate any alien employee who is or has been imprisoned by a foreign government as a result of his employment by the United States, and may utilize for such purpose any authority of the Missing Persons Act, as amended (50 App. U.S.C. 1001 et seq.). Any such imprisonment may be considered for purposes of all other employee benefits to be a period of employment by the United States.*

TITLE VIII—THE FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

PART A—ESTABLISHMENT OF SYSTEM

PARTICIPANTS

SEC. 803. (a) The following persons, hereafter referred to as participants, shall be entitled to the benefits of the System:
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(2) All other persons making contributions to the Fund on the effective date of this Act;

(3) Any chief of mission who is not otherwise entitled to be a participant and who fulfills the conditions of paragraph (b) of this section;

(b) A person to become a participant in accordance with the provisions of paragraphs (a)(3) of this section must—

(1) have served as chief of mission for an aggregate period of twenty years or more, exclusive of extra service credit in accordance with the provisions of section 853; and

(2) have paid into the Fund a special contribution for each year of such service in accordance with the provisions of section 852(b).

(c)(1) In accordance with such regulations as the President may prescribe, any Foreign Service staff officer or employee appointed by the Secretary of State who has completed at least ten years of continuous service in the Department's Foreign Service, exclusive of military service, shall become a participant in the System and shall make a special contribution to the Fund in accordance with the provisions of section 852.

(2) Any such officer or employee who, under the provisions of paragraph (c)(1) of this section, becomes a participant in the System, shall be mandatorily retired for age during the first year after the effective date of this paragraph if he attains age sixty-four or if he is over age sixty-four; during the second year at age sixty-three; during the third year at age sixty-two; during the fourth year at age sixty-one, and thereafter at age sixty.

(3) Any officer or employee who becomes a participant in the System under the provisions of paragraph (c)(1) of this section who is age 57 or over on the effective date of this paragraph, may retire voluntarily at any time before mandatory retirement under paragraph (c)(2) of this section and receive retirement benefits under section 821.

(d) *Any participant who is appointed as a Foreign Affairs officer or as a staff officer or employee without a break in service in excess of three calendar days shall remain a participant.*

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TITLE IX—ALLOWANCES AND BENEFITS

PART A—ALLOWANCES AND SPECIAL ALLOTMENTS

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PART B—TRAVEL AND RELATED EXPENSES

GENERAL PROVISIONS

SEC. 911. The Secretary may, under such regulations as he shall prescribe, pay—

(1) the travel expenses of officers and employees of the Service, including expenses incurred while traveling pursuant to orders issued by the Secretary in accordance with the provisions of section 933 with regard to the granting of home leave;

(2) the travel expenses of the members of the family of an officer or employee of the Service when proceeding to or returning from his post of duty; accompanying him on authorized home leave; accompanying him for representational purposes on au-

thorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment, but in no case to exceed one member of his family; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act:

(3) the cost of transporting the furniture and household and personal effects of an officer or employee of the Service to his successive posts of duty and, on the termination of his services, to the place where he will reside;

(4) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(5) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and, in connection with separation of an officer or employee of the Service, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law;

(6) the travel expenses of the members of the family and the cost of transporting the personal effects and automobile of an officer or employee of the Service, whenever the travel of such officer or employee is occasioned by changes in the seat of the government whose capital is his post;

(7) the travel expenses and transportation costs incident to the removal of the members of the family of an officer or employee of the Service and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other post as may in the meantime have become the post to which such officer or employee has been assigned;

(8) the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is a citizen of the United States and of the members of his family who may die abroad or while in travel status;

(9) the travel expenses of officers and employees of the Service who are citizens of the United States, and members of their families, while serving at posts specifically designated by the Secretary for purposes of this paragraph, for rest and recuperation to other locations abroad having different environmental conditions than those at the post at which such officers and employees are serving, provided that such travel expenses shall be limited to the cost for each officer or employee and members of his family of one round trip during any continuous two-year tour unbroken by home leave and two round trips during any continuous three-year tour unbroken by home leave;

(10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty [.];

(11) *travel and related expenses, without regard to the provisions of this or any other law, whenever he determines that extraordinary conditions, or circumstances involving personal hardship, warrant the payment of such expenses incident to appointment, service, or separation of officers or employees of the Service, including any such expenses of the members of their families.*

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PART C—COMMISSARY SERVICE

SEC. 921. (a) The Secretary may, under such regulations as he may prescribe, establish and maintain emergency commissary or mess services, in such places abroad where, in his judgment, such services are necessary temporarily to insure the effective and efficient performance of the duties and responsibilities of the Service, such services to be available to the officers and employees of all Government agencies located in any such places abroad. Reimbursements incident to the maintenance and operation of commissary or mess service shall be at not less than cost as determined by the Secretary and shall be used as working funds: *Provided*, That an amount equal to the amount expended for such services shall be covered into the Treasury as miscellaneous receipts.

(b) The Secretary, under such regulations as he may prescribe, may authorize and assist in the establishment, maintenance, and operation, by officers and employees of the Service, of non-Government-operated commissary and mess services and recreation facilities at posts abroad, including the furnishing of space, utilities, and properties owned or leased by the United States for use by its diplomatic and consular missions. The provisions of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292-300), may be utilized by the Secretary in providing such assistance. Commissary or mess services and recreation facilities established pursuant to this subsection shall be made available, insofar as practicable, to officers and employees of other Government agencies and their dependents who are stationed abroad. Such services or facilities shall not be established in localities where another United States agency operates similar services or facilities unless the Secretary determines that such additional services or facilities are necessary.

(c) Notwithstanding the last paragraph under the heading "Subsistence Department" in the Act of March 3, 1911 (10 U.S.C. 1253),

or the provisions of any other law, charges at any post abroad by a commissary or mess service or recreation facility authorized or assisted under this section shall be at the same rate for all civilian personnel of the Government serviced thereby, and all charges for supplies furnished to such a service or facility abroad by any Government agency shall be at the same rate as that charged by the furnishing agency to its civilian commissary or mess services or recreation facilities.

(d) *Notwithstanding the provisions of any other law, assets derived after January 1, 1950, from any non-Government-operated commissary, mess service, or recreational facility abroad, through termination or otherwise, may be established as a working fund. Such fund may be used by the Secretary, without fiscal year limitation, for the purposes of this section.*

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PART E—MEDICAL SERVICES

EXPENSES OF TREATMENT

SEC. 941. (a) In the event an officer or employee of the Service who is a citizen of the United States incurs an illness or injury while such person is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for the cost of treatment of such illness or injury.

(b) In the event a dependent of a United States citizen officer or employee of the Service who is stationed abroad, incurs an illness or injury while such dependent is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for that portion of the cost of treatment of each such illness or injury that exceeds \$35 up to a maximum limitation of one hundred and twenty days of treatment for each such illness or injury, except that such maximum limitation shall not apply whenever the Secretary, on the basis of professional medical advice, shall determine that such illness or injury clearly is caused by the fact that such dependent is or has been located abroad.

(c) After sufficient experience in the operation of the medical protection plan authorized in subsections (a) and (b) of this section has been obtained, as determined by the Secretary, and if he considers that the benefits so authorized can be provided for as well and as cheaply in other ways, the Secretary may, under such regulations, and for such persons, locations, and conditions as he may deem appropriate, and within the limits prescribed in such subsections, contract for medical care pursuant to such arrangements, insurance, medical services, or health plans as he may deem appropriate.

TRAVEL FOR MEDICAL PURPOSES

SEC. 942. (a) In the event an officer or employee of the Service who is a citizen of the United States or one of his dependents, requires medical care, for illness or injury not the result of vicious habits,

intemperance or misconduct, while stationed abroad in a locality where there is no qualified person or facility to provide such care, the Secretary may, in accordance with such regulations as he may prescribe, pay the travel expenses of such person by whatever means he shall deem appropriate, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section 10 of the Act of March 3, 1933, as amended (60 Stat. 808; 5 U.S.C. 73b), to the nearest locality where suitable medical care can be obtained. If any such officer, employee, or dependent is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Secretary may also pay the round-trip travel expenses of an attendant or attendants.

(b) The Secretary may establish a first-aid station and provide for the services of a physician, a nurse, or other medical personnel at a post at which, in his opinion, sufficient personnel is employed to warrant such a station.

PHYSICAL EXAMINATIONS AND COSTS OF INOCULATIONS

SEC. 943. The Secretary shall, under such regulations as he may prescribe, provide for physical examinations for applicants for employment and for officers and employees of the Service who are citizens of the United States, and for their dependents, including examinations necessary to establish disability or incapacity in accordance with the provisions of section 831, and shall provide for administering inoculations or vaccinations to such officers and employees and their dependents.

SEC. 944. *The Secretary is authorized to continue medical services under part E of this title beyond the date of death or separation of an officer or employee.*

SEC. 945. *Without regard to the provisions of any other law, the Secretary may provide for cooperation in, or interchange of, medical and related services and property abroad between the United States Government and foreign governments or international organizations under such terms and conditions as he deems appropriate. Any funds received under such arrangements may be used for direct expenditure or for reimbursement of applicable appropriations.*

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SECTION 1007 OF THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

[VETERANS' PREFERENCE ACT

[SEC. 1007. No provision of this Act shall be construed to modify or to repeal the provisions of the Veterans' Preference Act of 1944.]

SECTION 205 OF THE ANNUAL AND SICK LEAVE ACT OF 1951

GENERAL PROVISIONS

SEC. 205. (a) The days of leave provided for in this title shall mean days upon which an employee would otherwise work and receive pay, and shall be exclusive of holidays, and all nonworkdays established by Federal statute or by Executive or administrative order.

(b) An employee shall be considered for the purposes of this title to have been employed for a full biweekly pay period if he shall have been employed during the days within such period, exclusive of holidays and all nonworkdays established by Federal statute or by Executive or administrative order, which fall within his basic administrative workweek.

(c) Part time officers and employees, unless otherwise excepted, shall be entitled on a pro rata basis to the benefits provided by sections 203 and 204 of this title.

(d) The authorized absence of a rural carrier on Saturdays which occur within or at the beginning or end of a period of sick or annual leave of five or more days' duration (or four days' duration if a holiday falls within or at the beginning or end of the period of sick or annual leave) shall be without charge to such leave or loss of compensation. Saturdays occurring in a period of annual or sick leave taken in a smaller number of days may at the option of the carrier be charged to his accrued leave and when so charged he shall be paid for such absence.

(e) In the case of transfer of an officer or employee between positions under different leave systems (other than transfers involving positions exempted under section 202(b)(1) (B), (C), (II), or (I)), without a break in service, the annual and sick leave to the credit of such officer or employee shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations to be prescribed by the Civil Service Commission, except that whenever a former officer or member receiving a retirement annuity as provided under the Policemen and Firemen's Retirement and Disability Act, as amended, is reemployed in any position subject to the provisions of this Act, his sick leave balance shall not be reccredited to his account upon such subsequent reemployment.

(f) *No leave shall be charged to the account of any officer or employee for absence, not to exceed six months, due to an injury or illness incurred while serving abroad and resulting from hostile activity or clearly caused by the fact that the officer or employee was located abroad.*

**SECTION 231 OF THE OVERSEAS DIFFERENTIALS AND
ALLOWANCES ACT**

PART D—POST DIFFERENTIAL

SEC. 231. A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Such differential also may be granted to any employee who is officially stationed in the United States and who is on extended detail in a foreign area. Additional compensation paid as a post differential shall not in any instance exceed 25 per centum of the rate of basic compensation, *except that in a foreign area where there is unusual danger of injury due to hostile activity such additional compensation shall not exceed 50 per centum.*

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